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LEGISLATIVE INTERDEPARTMENTAL GROUP MEETING

May 27, 1971

Time and Place: 4:40 - 5:55 p.m., White House Situation Room

Participants:

Chairman: Gen. Alexander M. Haig

State: David M. Abshire
Thomas Stern
John Stevenson
Joseph Wolf

Defense: Rady Johnson
Stuart French

JCS, DOS, OSD reviews
completed.

CIA: John M. Maury

Justice: Thomas E. Kauper

White John Russell Deane, III
House: John Scali
William E. Timmons
Kenneth E. BeLieu
Richard Cook
Jonathan Rose

ON-FILE NSC RELEASE INSTRUCTIONS
APPLY

NSC Staff: John Lehman
Jeanne W. Davis

Gen. Haig: First, I think everyone deserves roses for the fine work on the Draft Bill. It was a superior job.

Mr. BeLieu: It was really good -- everyone helped out on this one.

Mr. Johnson: We even got the military to admit that they didn't need an increase in pay.

Gen. Haig: The President is delighted. He spoke to Henry [Kissinger] about it last night. It shows what careful planning and coordination can do.

Property Review Board and the JCS

Gen. Haig: Can we turn to the question of the closing of the bases. Senator Stennis is apparently upset by some of the actions of the Property Review Board. Maybe we have a communications problem.

Mr. BeLieu: We have a possibility of a compromise on Camp Pendleton. The problem is that the decisions get made and announced without the proper preparatory work. I think we should look at this in a different atmosphere. There is more emotion generated and more time spent on an individual base closure than on many more important things. Also, we're fighting with the people who are usually our friends. I think we need a different approach from the Board. Let them make their decision, but let's look at the political problems before it is cast into concrete.

Gen. Haig: Could we get into the deliberations of the Board?

Mr. BeLieu: We're too busy.

Mr. Johnson: The military recommended against the closing of Pendleton but they went along with the beach property. There was a lot of communication; the Armed Services Committee knew all about it. The Committee just doesn't want to give away anything.

Gen. Haig: [to John Lehman] Let's get a memo from this group to Arnold Weber.

Mr. Cook: I've talked to Weber. We have a letter from Chafee and are delaying a response until we see if a compromise can be worked out. The Committee has adequate means of retaliation; is that three miles of beach worth \$1 billion 7 million?

Gen. Haig: I think it's a matter of getting someone's attention. Maybe the White House isn't hearing the Defense Department's problems.

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Mr. Rose: If the Defense input is properly responsive we should be able to find a way to prevent this breakdown of efforts with the Committee.

Gen. Haig: The Chiefs don't like to think they're being overruled without being heard.

Mr. Cook: We avoided one major crisis with the Committee: we didn't invoke Executive Privilege. I think we have the basis for an attempt at a compromise on Pendleton. If the Committee doesn't buy it, the decision will have to be made by the President.

Gen. Haig: We have two problems: how to work ourselves out of the hole we're in, and how to be sure we don't get caught this way in the future. We'll have to establish some procedures.

GAO Audit in Berlin

Gen. Haig: We have a different view between State and Defense on how to proceed on this issue. I personally think the Defense position gives us greater flexibility for the future. I think we should start out with the firmer line and see how it goes. Berlin is one of our best sources of valuable intelligence. It could be compromised by delving too deeply into our support funds.

Mr. Abshire: We think Fulbright might choose to push this to a question of Executive Privilege. It's ideal for his political needs. We don't know the extent to which he can stir up Senator Stennis, Doc Morgan and others. They all think very highly of [GAO Administrator] Staats. Fulbright thinks he can escalate the issue and get broad support from other committees. If we go the route State is proposing and just deny them certain documents, he can't get broad support. Prior to deciding to go the State route, though, I suggest I talk to some key Republicans and some Democrats to see if we can't get a working majority on this. When Marty Hillenbrand was testifying a few days ago, Fulbright moved in on the GAO audit question. He's going to use this to stall on the RFE bill. What Fulbright wants is for us to refuse to permit the audit. We're not concerned over the issue of Executive Privilege per se, but at how Fulbright can use it to block other programs.

Mr. French: Stennis and Morgan don't know that the whole issue of the audit was started by lower-level German officials who wanted more detail on U.S. expenditures from the funds appropriated by the German Government for the Berlin occupation.

Mr. Lehman: Why wouldn't it be all right to allow them to go ahead with the audit but limit it to U.S. appropriated funds?

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Mr. Abshire: That's only 10% of the money. I'd hate to go with the Defense position, with the State position as a fall-back. If we're going to be pushed into it, it would be better to do it now on our own initiative.

Mr. French: But we've already said no, and now we would be saying yes. That's the worst thing we could do.

Mr. Abshire: Not when Fulbright can use this issue to get support from a majority of his committee and from other committees.

Mr. BeLieu: We have a combination of principle and fact. Which course is in the best interests of the country?

Mr. French: Look at the [] issue. Fulbright's Committee has a long history of irresponsibility. 25X1

Gen. Haig: It would be foolish to succumb to lower-level German inquiries. What if we take the Defense position? What price would we be paying?

Mr. Lehman: What if we agree to the audit of U.S. appropriated funds and explain to our allies on the Committee the sensitivity of the timing, the effect on our burden-sharing efforts, and the sensitivity of some of the things that are being done under the Berlin funding? Would Stennis and Morgan still accept Fulbright's position?

Mr. Abshire: We think so.

25X1 Gen. Haig: This worries me. We would be opening the door a crack, letting them look at the funds, 60-70% of which are in questionable areas, either because they are for sensitive activities or otherwise subject to criticism, then we would close the door. They would get a handful of innocuous data, but the bulk of the information would be excepted on security grounds. This would infuriate them.

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Gen. Haig: Even GAO knowledge of this percentage could be dangerous. It gives them an indication of the degree of activity involved. It won't stand close scrutiny.

Mr. Abshire: There might be some embarrassment. But we're looking at longer-range strategy on the Hill. Foreign Aid comes before this Committee; RFE does also. Fulbright can kill the whole organization by stalling. We will have to outvote him on his Committee.

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Gen. Haig: In practical terms, what will the Defense position cost us and what will the State position do for us? What is the price? We have been opposed by Fulbright in almost every instance. Is this any different?

Mr. Abshire: We have been trying to by-pass him and outflank him. I'm not competent to judge how much would have to be denied them. Maybe we can explore the situation with other Committee Chairmen and others.

Mr. French: We'd want to do that anyway.

Mr. Abshire: Defense says Senator Stennis likes Staats and thinks the GAO is a great outfit.

Mr. Stevenson: There is some question as to whether this is in the broad scope of the GAO's authority. They do have the right to investigate matters relating to the expenditure of public funds. It is possible that they could justify the audit on the grounds of the possibility of double charges and the like. Any attempt to limit the authority of the GAO would be strongly resisted on the Hill.

Mr. French: If our legal case isn't good, it would be better to invoke Executive Privilege.

Gen. Haig: I was not thinking of the State position as a fall-back, necessarily. I just think we should hold firm and do some consulting to see if we can get some support. If we find we have a major calamity, we can reassess our position.

Mr. Abshire: The only way to persuade the Senators is to go into some depth as to the sensitivity of the material. They won't accept generalities.

Mr. BeLieu: If we put up a good argument on Executive Privilege on the grounds of sensitivity and embarrassment to our allies, Stennis will uphold it.

Gen. Haig: We could make a good case that if we surface on the Hill the German funds expended for the U.S., someone in Germany could make political hay out of it and could jeopardize the whole burden-sharing concept. The Germans could turn on us.

Mr. Abshire: Ambassador Rush's recent message didn't indicate that.

Mr. Lehman: His message accepts the right of the GAO to audit the funds.

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Mr. French: Would we be liable to charges of extravagance? The Germans could take the position that why should they give more in a burden-sharing exercise when we're spending it for extravagant items.

Mr. Stern: Fifteen percent of the money goes for national security purposes. The main item is the highly visible ☐ structure. The Germans know all about our houses and our clubs. They don't know about this 15%.

Gen. Haig: If it should become an issue in the Congress and in the U.S. press, the Germans would have to react. We would run a risk of its being made a political football in Germany, with charges of U.S. plush living with the Germans picking up the tab.

Mr. Abshire: Would the publicity really be that bad?

Gen. Haig: It would create a bad climate. What will the hard line cost us? A tough attitude on RFE?

Mr. Abshire: I don't want to make extravagant statements, but if I were Fulbright I could end RFE and Radio Liberty by working toward the deadline. I could use this GAO issue to excite the Committee and to bottle up the RFE-RL bill. He could work up Cooper and Aiken and other friends, and we wouldn't have a leg to stand on. He could use it on the War Powers bill and on the various End-the-War resolutions.

Mr. Lehman: That is based on the premise that our friends will accept Fulbright's view. We haven't done any tilling of the fields on this. The Committee's track record is clear on what they would do with the information produced by the GAO audit. They're not going to stop at individual road blocks. Whatever we send up on a classified basis always ends up in the press.

Mr. French: They don't know that 15% of these funds are for national security purposes. It's just not in the public interest to expose these German funds.

Mr. Lehman: We could convince our friends that this is in the national interest in the context of the issues with Germany.

Mr. Abshire: It's poor strategy to sacrifice your legislative program for possible embarrassing publicity on trains, boats and houses in Germany. Al [Haig] has asked a good question: how much will it hurt us?

Gen. Haig: It's wrong to say we have anything to hide on frills. We have nothing to be ashamed of. We have a good case for sticking on principle. This involves some of the most sensitive installations in Europe. Some of our best intelligence comes from Berlin. What new range of problems would this open for us?

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Mr. Abshire: Would you be jeopardizing the 15% by letting them audit the 85%?

Gen. Haig: They would know exactly how many dollars were involved in national security projects.

Mr. French: You can't be a little bit pregnant.

Mr. Lehman: They could claim in their report that they were refused access to the records of the Ladies Auxiliary, or some such group, because of sensitivity.

Gen. Haig: It depends on how much fuss Fulbright wants to make. How much more ammunition do we give him if we take the Defense position? I don't think too much more. Let's take the temperature of some of the other Committee members.

Mr. Abshire: How forthcoming can we be? We can't go to them with only generalities. Senator Cooper can preserve a confidence. I'd like a briefing myself on what is involved.

Gen. Haig: I agree; we all need more information. Let's work up a good presentation and get some good people to make it.

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Mr. Stern: The luxury issue is not a problem. We live much more modestly in Germany than the British or French.

Gen. Haig: [to Mr. French] Let's work up a briefing, take some temperatures among others on the Hill, then talk again.

Gen. Haig: [to Mr. French] Is there anything we can do about this?

Mr. French: We've just got to accept the fact that members of the Foreign Relations Committee can't be trusted with sensitive classified information. We might get the word to Carl Marcy and see if he would talk to the membership. We could tell him the Departments will have to tighten up on information unless they behave more responsibly and see what reaction we get.

Gen. Haig: Who bells this cat?

Mr. Maury: I've seen Carl (Marcy) on this. I told him that the Director (Mr. Helms) wants to be responsive to Congressional Committees,

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but when a Committee member quotes him by name and talks about numbers of troops, Mr. Helms is not prepared to do business as candidly as he would like. Marcy said that Senator Case, egged on by one of his staff members, is determined to make the most of any disclosures. He suggested the Director write Senator Fulbright.

Mr. Wolf: Jim Lowenstein called me to say that the report was being handled as Top Secret but that he couldn't speak for what the Senators might do.

Mr. Scali: It's not the staff; it's the Senators.

Mr. Johnson: I agree.

Mr. Scali: [to Mr. Maury] Did Mr. Helms write the letter?

Mr. Maury: No; he didn't think it would do any good.

Mr. Abshire: Senator Case is the first problem. He has a fixation that all covert operations are bad and he has no guilty conscience about leaking information on them. Would it do any good for Helms to talk to him?

Mr. Maury: He hasn't any leverage with Case. Case does have links with Ken [BeLieu] and Clark [McGregor], though.

Mr. BeLieu: He won't talk privately. Every time we try to talk to him he brings a staff member in.

Mr. Maury: Could Senator Young do any good in the context of the Appropriations Committee?

Mr. BeLieu: He might; I'll talk to him.

Mr. Scali: If we should make it known that the quality of the information would decline, could they use that as a weapon to beat us?

Mr. Maury: Yes, we can't play that game.

Mr. Scali: They would leak it.

Mr. French: We could just not tell them.

Mr. Johnson: They won't know the difference.

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Gen. Haig: We could just be tougher.

Mr. Scali: Would it do any good for the President to talk to Case or Fulbright.

Mr. Lehman: Case is just one illustration. It's really the record of the Chairman - we have 73 examples of leaks.

Mr. BeLieu: When Russell was Chairman, the staff didn't get sensitive information. Only certain people were permitted access to it.

Gen. Haig: Let's get the best thinking of all here on this, and feed it to John (Lehman) who will do a paper. Maybe we should bring Senator Stennis in for a talk.

Mr. Abshire: Case is politically secure. He doesn't react to pressure. Would it help get things into perspective if he had lunch with Dick [Helms]? Maybe [Secretary] Rogers and Helms together. They could go into the problems of intelligence operations and their concerns over the leaks. The key to the Committee is to get some control over Case. He is way out in front of the others. Senator Cooper is deeply concerned; he thinks both the Senators and their staffs are leaking.

Mr. Maury: I agree. Senator Case is a special case. John Marx, one of his staff people, has sold him a bill of goods. I'll talk to Helms about it.

Gen. Haig: Let's get your ideas to John Lehman by next Wednesday.

RFE Hearings

Gen. Haig: Where do we stand on RFE?

Mr. Abshire: Hillenbrand testified on that the first of the week. There weren't many committee members there. Fulbright is against it, but we are working with some of the independents and are getting good support. We need someone to bring it up in committee and I think we can beat Fulbright in a vote. Case won't do it. Maybe we can get Javits or Aiken. Frank Stanton was most effective on this the other day. We might get him together with Aiken and others. Our problem was compounded, as you know, because the bill was originally referred to the District Committee on the grounds that the organization would be chartered in the District of Columbia, like the Public Broadcasting Organization. We are talking to the Speaker and hope MacMillan can be persuaded to relinquish jurisdiction.

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Gen. Haig: We might be able to help with Senator Javits.

Mr. Abshire: We are thinking of suggesting that the President get together with some Senators on it around the second week in June, but we would prefer to get it moving out of committee first.

War Powers

Gen. Haig: Where are we on the war powers legislation.

Mr. Abshire: It's in the Foreign Relations Committee and Fulbright is moving toward a mark-up in a month. The first real test will come on Wednesday. There was an excellent Reston article on this.

Gen. Haig: The climate is pretty good now on this.

End the War Legislation

Gen. Haig: Where do we stand on the "end the war" legislation?

Mr. Cook: I agree the climate is changing. The key test will come in the House on the Whalen amendment to the Defense authorization bill. We expect it to be on the floor in the House in the third week in June.

Gen. Haig: We have to try for the next three weeks to stall on any end-the-war or fixed-date resolutions, even those that are supportive. The latter might be used as a vehicle for changes and amendments. When will we be confronted with the hard votes?

Mr. Cook: The first one will come in the House in the third or fourth week in June.

Mr. Abshire: Things are dormant for the time being. Zablocki plans to call subcommittee hearings on June 14 or 15. Doc Morgan's strategy is to drag them out. We still run a danger of amendments from the floor.

Gen. Haig: We also run danger with the friendlies. We must try to prevent any premature tabling of any resolutions, even friendly, so as to furnish no vehicle for amendments and buy some time.

Mr. Scali: Is June 14 or 15 the first time it will be seriously considered in committee?

Mr. Abshire: The hearings are just beginning. We can drag them out until the war is over.

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Mr. Cook: The Resor statement could give us serious problems.

Gen. Haig: [to Abshire] Are you continuing your breakfast exercise?

Mr. Abshire: Yes.

ABM

Gen. Haig: How are we on ABM? Was our position strengthened by last week's announcement?

Mr. Johnson: That cut both ways.

Mr. BeLieu: We can argue that we musn't do anything to take the cards away from the President.

Mr. Scali: Resor will be on Issues and Answers this week. He's replacing Paul McCloskey.

Mr. Johnson: I'll talk to Resor.

Military Support to Pakistan

Gen. Haig: Is military support to Pakistan a volatile issue?

(Gen. Haig was called from the room.)

Mr. Abshire: We have a sense of the Senate resolution which could build up steam.

Mr. Johnson: On another matter, Mrs. Alvarez, the wife of the first Air Force POW in Vietnam, is calling a press conference and will endorse an end-the-war date in the interests of POW release.

Mr. Lehman: The family is active politically in the Democratic Party. How about the Diggs Hearings on investment in South Africa. They are calling State, Justice, Treasury, Commerce and OEP. This is their annual show. Do we expect it will be any bigger or worse than usual?

Mr. Abshire: There should be some interdepartmental coordination on this. We have asked Nat Samuels to carry the ball in getting the agencies together.